

DEP ISSUE PROFILE

SPCC, EMERGENCY RESPONSE AND INTEGRATED CONTINGENCY PLANS

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Spill Prevention and Emergency Response Planning for Oil and Hazardous Matter

Facilities in Maine that store or handle oil and/or hazardous matter may be subject to state and federal requirements for spill prevention and emergency planning, depending on the types and quantities of materials at the site. These requirements are intended to provide for public health and safety and for protection of the environment by preventing discharges of oil or hazardous matter, and by planning ahead for response procedures in the event of a discharge. These spill prevention and response planning requirements are summarized below.

What is an Oil SPCC plan?

SPCC stands for "Spill Prevention Control and Countermeasure Plan." It has a specific definition contained in federal regulations adopted in 1973 under the Clean Water Act to protect surface water from oil contamination. "Oil" also has a specific definition in the federal regulations. It includes petroleum oils such as gasoline, diesel and heating oil as well as non-petroleum oils such as animal or vegetable oils, synthetic oils, and mineral oils.

An Oil SPCC plan is a plan, prepared in accordance with good engineering practices to prevent and clean up spills from oil storage tanks. The plan lists the containment equipment and structures used to prevent spills from reaching ground water or surface water, and it identifies the inspection, monitoring and oil transfer procedures that will be followed to prevent a spill. If a spill occurs, a well-developed Oil SPCC plan will identify whom to call, and will specify steps, or "countermeasures," to contain the spill and minimize environmental impacts.

What is a Hazardous Matter SPCC plan?

In 1991, the Maine Legislature coined a slightly different term--"Spill Prevention, Control and Clean-up plan"--in the law governing hazardous matter.

"Hazardous matter" is a term used in Maine law to identify substances that pose a "present or potential danger to people or the natural environment" when improperly handled. The term "hazardous matter" is essentially equivalent to the term "hazardous substance" as used in federal law. Substances meeting the federal definition of hazardous substance are listed in Title 40, Table 302.4, of the Code of Federal Regulations.

A Hazardous Matter SPCC plan shares the same acronym and has the same pollution prevention goal as an Oil SPCC plan, but there are significant differences, most notably including use of reportable quantity thresholds for specific hazardous matters in a Hazardous Matter SPCC plan.

What is an Emergency Response Plan?

Facilities that handle and store "extremely hazardous substances" in amounts greater than the "threshold planning quantity," as designated under federal regulations, must prepare an Emergency Response Plan for

submission to the local fire department and the Maine Emergency Management Agency (MEMA). Extremely hazardous substances are listed in the Code of Federal Regulations at Title 40, Part 355, Appendices A and B, along with their reportable and threshold planning quantities. In general, extremely hazardous substances are chemicals that readily become airborne gases, vapors, mists or dust and that are toxic to humans in relatively low concentrations. Chlorine, ammonia and acids are examples of extremely hazardous substances commonly used in Maine.

An Emergency Response Plan is a written plan outlining procedures to protect public health and safety in the event of an accidental release of an extremely hazardous substance. The required elements for an Emergency Response Plan are listed in Maine law at 37-B MRSA §795, and include the following: emergency contact information, emergency warning systems for the facility, nearby emergency and health personnel, employee training and testing programs, response and protective equipment, emergency health treatment procedures, notification and evacuation procedures, transportation routes and transportation methods for extremely hazardous substances, as well as any mutual aid agreements with public safety officials or emergency responders.

Who is required to have SPCC or Emergency Response Plans?

- 1. Oil storage facilities.** Federal regulations require an Oil SPCC plan for facilities with aboveground oil storage tanks where the aggregate storage capacity is more than 1,320 gallons. Any oil storage container or tank that is 55 gallons or larger in size counts towards the total aggregate storage capacity. The federal SPCC requirement applies where a discharge could reach a navigable water body, either directly or indirectly via tributaries including drainage ditches. This encompasses most land area in Maine.

In 2002, the Maine Legislature gave the Maine DEP authority to oversee compliance with the federal requirements for preparation and implementation of an Oil SPCC plan. Specifically, Maine law at 38 MRSA § 570-K(5) now requires Oil SPCC plans to be prepared and implemented at all aboveground storage facilities in Maine used to market and distribute oil to others.

- 2. Facilities that handle hazardous matter.** Under Maine's hazardous matter law, preparation of a Hazardous Matter SPCC plan is optional. However, in the absence of a conforming plan (one that contains the required information listed in Maine law at 38 MRSA §1318-C), all spills of hazardous matter, regardless of quantity and circumstances, must be reported to the State Police. On the other hand, if a Hazardous Matter SPCC plan has been filed with the Maine DEP, then only spills exceeding the applicable reportable quantity, as specified in federal regulations (40 CFR Part 302, as revised July 1, 1996), need to be reported.
- 3. Facilities that handle extremely hazardous substances.** If a company stores extremely hazardous substances over a designated threshold amount, a facility emergency response plan must be submitted to the Maine Emergency Management Agency (MEMA).

What are the requirements of SPCC and Emergency Response Plans?

An Oil SPCC plan, a Hazardous Matter SPCC plan, and an Emergency Response Plan should be separate stand-alone, user-friendly documents that incorporate the requirements of each type of plan. Alternatively, the plans can be developed into an Integrated Contingency Plan that includes the components of each of the above types of plans, such that the statutory and regulatory requirements of each type of plan is included in one document. The required plan components differ slightly depending on whether the plan covers oil, hazardous matter or extremely hazardous substances. At a minimum, a plan will list the specific steps to be taken in the event of a spill and will have a call list for notifying company officials and emergency response personnel. The plan also will specify the routine facility inspection and maintenance protocols that must be followed to prevent spills.

1. **SPCC plans for oil.** The specific requirements for oil storage facilities are found in federal regulation, 40 CFR Part 112. A qualified professional engineer must examine the plan and attest that it has been prepared in accordance with good engineering practices.
2. **SPCC plans for hazardous matter.** Spills of hazardous matter (see definition above), regardless of quantity and circumstances, must be reported unless the spill is covered by a Hazardous Matter SPCC plan and is below the reportable quantity. The plan must contain the information listed in Maine hazardous matter law, 38 MRSA §1318-C. If a conforming plan has been filed with the DEP as specified under 38 MRSA §1318-C(2), then only spills exceeding the federal reportable quantity must be reported. Engineering assistance often is used, but is not required, in preparing SPCC plans for hazardous matter.
3. **Emergency Response Plans for extremely hazardous substances.** Facilities that handle extremely hazardous substances must prepare an emergency response plan for submission to the local fire department and the Maine Emergency Management Agency (MEMA). The required plan elements are listed in Maine law at 37-B MRSA §795. If your facility handles such substances (see definition above), you should contact MEMA at 207-626-4503 (or 1-800-452-8735 if calling from a Maine location) for guidance on plan preparation.
4. **Integrated Contingency Plans for facilities handling both oil and hazardous matter:** An Integrated Contingency Plan is a comprehensive plan for a facility which incorporates all federal and state planning requirements for all types of materials stored and handled at the site. In general, the Integrated Contingency Plan includes the following components: description of the facility and operations, hazard assessment of the facility, preventative measures to minimize identified risks, response and mitigation procedures, safety procedures, disposal of contaminated materials and training of personnel. The Integrated Contingency Plan also includes a comprehensive regulatory compliance and cross-reference matrix of all applicable federal and state requirements. The National Response Team has provided guidelines for Integrated Contingency Plans in its document, *Integrated Contingency Plan Guidance*, 61 Federal Register 109 (June 5, 1996).

What are the benefits of SPCC plans?

For facilities that handle oil or hazardous matter, preparation of an Oil SPCC plan, Hazardous Matter SPCC plan, Emergency Response Plan or an Integrated Contingency Plan is critical for employee safety and environmental protection. Facilities that have well-prepared plans and follow them conscientiously can expect to avoid costly spills that could temporarily or permanently close their businesses.

If you have a spill, what are the reporting requirements?

Oil spills must be reported within two hours of occurrence to avoid fines or civil penalties. Oil spills are reported to the DEP by calling 800-482-0777.

Hazardous matter spills must be reported immediately to the Department of Public Safety (State Police) by calling 800-452-4664. Hazardous matter spills of any quantity must be reported unless:

- the spill is covered by a Hazardous Matter SPCC plan containing the information listed in 38 MRSA §1318-C; and
- the plan has been submitted to DEP; and
- the discharge is less than the applicable reportable quantity under federal regulations, 40 CFR, Table 302.4.

Where should the SPCC plans be sent?

SPCC plans, where required, must be kept at the facility. In addition,

Copies of the Oil SPCC plan must be sent to EPA New England only upon request;

Copies of the Hazardous Matter SPCC plan must be sent to the Maine DEP when you have hazardous matter on site and wish to avoid the need to report spills less than the federal reportable quantities under 40 CFR Part 302; and

Copies of the Emergency Response plan must be sent to MEMA whenever you have extremely hazardous substances stored over the threshold amounts. They must also be sent to the State Fire Marshal's Office only upon request.

What resources are available to help in writing SPCC and Emergency Response plans?

This Issue Profile provides a general overview of SPCC and emergency planning requirements. If your facility handles oil or hazardous matter, or extremely hazardous substances, you should carefully review the applicable state and federal laws, rules and regulations. The following documents and web sites provide more details on SPCC, Emergency Response and Integrated Contingency Plans:

Oil:

- [federal SPCC requirements for oil storage facilities are at 40 CFR Part 112.](#)
- [EPA SPCC Plan Guidance](#)
- Maine Department of Environmental Protection web site re: SPCC Plans for Above Ground Oil Storage Tanks including Model SPCC Plans. [[MDEP ASTSPCC](#) & Model [Bulk](#) and [Retail](#)] SPCC Plans]

Hazardous Matter:

- [federal list of hazardous substances and their reportable quantities under 40 CFR Part 302.4.](#)
- [state requirements for hazardous matter SPCC Plans under 38 MRSA 1318-C.](#)
- list of extremely hazardous substances and their reportable and threshold planning quantities is provided at 40 CFR Part 355, [Appendices A](#) and [B](#).
- state requirements for Emergency Response Plans for extremely hazardous substances under 37-B MRSA section 795. <http://janus.state.me.us/legis/statutes/37-B/title37-Bsec795.html>

Integrated Contingency Plans:

- guidelines for Integrated Contingency Plans by the National Response Team are found in the [Integrated Contingency Plan Guidance](#), 61 Federal Register 109 (June 5, 1996).

Spill Response:

- *Maine Department of Environmental Protection, Responding to Oil & Hazardous Materials Spills*
<http://www.state.me.us/dep/rwm/Responding/cover.htm>.

Where can I get more information?

For more information on spill prevention and control at oil storage facilities, please contact Sara Brusila in the DEP Technical Services Division at (207) 287-4804, in-state toll free at 1-800-452-1942, or by e-mail at sara.brusila@Maine.gov.

For information on spill prevention and control of hazardous matter, please contact John Dunlap in the DEP Hazardous Waste Program at (207) 287-3547, in-state toll free at 1-800-452-1942, or by e-mail at john.dunlap@Maine.gov.